

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LISA R. YANCEY,

Debtor-Appellant,

v.

Case No. 07-C-1063

MARY B. GROSSMAN,

Trustee-Appellee.

DECISION AND ORDER

The *pro se* debtor-appellant, Lisa Yancey ("Yancey"), filed an "emergency request" in the above-captioned bankruptcy appeal currently pending before Judge Rudolph T. Randa. In Judge Randa's absence, the motion has been referred to this branch of the Court for disposition. The Court construes her request as an emergency motion pursuant to Rule 8011(d) of the Bankruptcy Rules.

Yancey requested a motion to stay from the bankruptcy court, which the bankruptcy court denied after considering testimony and argument. The bankruptcy court denied the motion to stay because Yancey failed to adequately rebut the presumption that her bankruptcy case was not filed in good faith as required by 11 U.S.C. § 362(c)(4)(D).

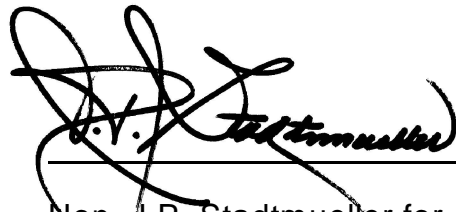
In her present emergency motion to stay, Yancey likewise fails to meet her burden. The Court is guided by four criteria in determining a stay pending appeal: likelihood of success on the merits, irreparable harm to the appellant, the balance of harms on the parties, and the effect on the public interest. See *Adams v. Walker*,

488 F.2d 1064, 1065 (7th Cir. 1973). Yancey did not accompany her motion with any brief explaining how she is likely to succeed on the merits. Indeed, despite filing her Notice of Appeal on November 30, 2007, and despite being notified by the clerk of court that the briefing schedule would be governed by Bankruptcy Rule 8009, Yancey has not even filed a brief in support of her appeal. Rule 8009 obligates her to do so 15 days after the entry of the appeal on the docket. Accordingly, it does not appear she will succeed on the merits, and as such, her motion to stay must be denied.

THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED that Yancey's Emergency Motion to Stay Pending Appeal (Docket No. 9) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 9th day of January, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

Hon. J.P. Stadtmueller for
Hon. Rudolph T. Randa
Chief Judge